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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *07 January 2008*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-5,7-12,14,16-20,22-27,29 and 31-45* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-5,7-12,14,16-20,22-27,29 and 31-45* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-5, 7-12, 14, 16-20, 22-27, 29 and 31-45 have been examined.

Application 09/808,475 (APPARATUS AND METHOD FOR RECRUITING,

COMMUNICATING WITH, AND PAYING PARTICIPANTS OF INTERACTIVE

ADVERTISING) has a filing date 03/13/2001.

Response to Amendment

2.   In response to Non Final Rejection filed 10/23/2007, the Applicant filed an

Amendment on 01/07/2008, which amended claims 1, 4, 5, 7-11, 16, 19, 20, 22, 24-26,

31 and 43-45 and cancel claims 13 and 28 .

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

Claims 1-5, 8, 10-12, 16-20, 23, 25-27, 31-36 and 38-44 are rejected under 35

U.S.C. 103(a) as being unpatentable over DeRafael (US 2002/0116256) in view of

Dedrick (US 5,724,521), Kolls (US 6,807,532) and Friskel (US 6,839,737).

As per claims 1, 16 and 31, DeRafael teaches:

A method comprising:

providing a list of advertisements to be displayed *to a user,* wherein one or more of the advertisement comprise a link to be selected by *the user to establish a connection* to conduct a real time communication between the user and an advertiser (see DeRafael paragraph 12), compensate the user to conduct the real time communication with the advertiser (see DeRafael paragraph 36); receiving from the user a selection of the link from the list of advertisements (see DeRafael paragraph 31);

responsive to the selection of the link establishing a real time communication between the user and the advertiser to advertise or more items (see DeRafael paragraph 13) and

compensating the user based on the duration of the real time communications between the user and the advertiser (see DeRafael paragraph 36 "more credit for viewing a lengthier interactive advertisement") to generate a balance to be paid to the user (see paragraph 36) and allowing the user to purchase one or more items by deducting from the balance to be paid to the user (See DeRafael paragraphs 14 and 36).

DeRafael fails to teach that the interactive advertisement comprises a link to be selected by the user to establish a telephonic connection to conduct real time, person to person, live communication between the user and an advertiser, an indicia of the advertiser is currently available for real-time communication with the user, a rate to compensate the user to conduct the real time, person to person, live communication with the advertiser and that during said person to person

communication session between the user and the advertiser, allowing the user to purchase one or more items advertised by the advertiser in said session. However, Kolls teaches that it is old and well known in the promotion art to have interactive advertisements that comprises a link to be selected by the user to establish a telephonic connection to conduct real time, person to person, live communication between an user and an advertiser and allowing said user in said real time, person to person, live communication session with said advertiser, to purchase one or more items advertised by said advertiser (See Kolls col 47, lines 10-25). Friskel teaches that it is old and well known in the promotion art to indicate the online status (i.e. online, accepting chat) of users communicating in real time with other users (see Friskel figure 4). Dedrick teaches a system that compensates users for interacting with advertisements where said compensation is based upon a "pay per time" rate of said interaction (see Dedrick col 13, lines 1-65; col 15, lines 25-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that DeRafael would add the feature of allowing users to communicate in real-time, person to person, with advertisers when said users click an interactive ad, as taught by Kolls and to indicate the online status (i.e. online, accepting chat) of users communicating in real time with other users, as taught by Friskel, where said users would be compensated for interacting with said advertisers based upon a "pay per time" rate, as taught by Dedrick and where said users would be allowed to purchase advertised items during said real time, person to person, communication as taught by Kolls in order to allow said advertisers to have

a more engaging communication with said users (*i.e.* "live communication"), which would help said advertisers to better target their ads to said users.

As per claims 2, 17 and 33, DeRafael teaches:

receiving a request from an advertiser to establish an interactive advertising link (see DeRafael paragraph 13); and

placing a link for an interactive advertisement among the advertisements (see DeRafael paragraph 12).

As per claims 3, 18 and 34, DeRafael teaches:

generating a record in an advertiser database, the record including advertiser information contained in the request, wherein the advertiser information includes one or more of a compensation price, real-time advertiser availability, specific type of the advertisement, languages spoken by the advertiser and additional compensation incentives (see DeRafael paragraphs 14 and 31).

As per claims 4 and 19, DeRafael fails to teach:

wherein the compensating the user further comprises billing the advertiser a billing amount for each interaction with the user and transferring the billing amount to the one or more users. However, Dedrick teaches a system where end users are compensated for viewing advertisements by crediting the end users' accounts and debiting the advertisers' accounts (see Dedrick col 14, lines 10-25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that when a user in the DeRafael's system interacts with an interactive advertisements, said user would be compensated for said interaction by crediting said

end users' accounts and debiting said advertiser's account, as <u>Dedrick</u> teaches that it is

old and well known to do so.

As per claims 5 and 20, <u>DeRafael</u> teaches:

wherein the billing the advertiser further comprises: measuring a duration of the

interaction between the user and the advertiser (see paragraph 36 "award more credits

for viewing a lengthier interactive advertisement) but fails to teach and calculating the

billing amount for the advertiser based on the duration of the interaction and the rate

paid by the advertiser. However, <u>Dedrick</u> a system that compensates end users for

viewing advertisements where said compensation is based upon a "pay per time" rate

(see <u>Dedrick</u> col 13, lines 10-65). Therefore, it would have been obvious to a person of

ordinary skill in the art at the time the application was made, to know that when a user in

the <u>DeRafael</u>'s system interacts with an interactive advertisements, said user would be

compensated for said interaction by crediting said end users accounts and debiting said

advertiser's account in a pay per time rate basis, as <u>Dedrick</u> teaches that it is old and

well known to compensate users for viewing advertisements by paying said users a

established pay per time rate.

As per claims 8, 23 and 32, <u>DeRafael</u> teaches:

selections from the one or more users, the method further comprises:

receiving a request from a user for connection to an interactive advertisement

system via a communications link (see <u>DeRafael</u> paragraph 12);

establishing a connection between the user and the interactive advertisement

system in order to provide the user with an interaction with a chosen advertiser, and

providing the user with a list of multiple advertisement types available from the interactive advertisement system (see DeRafael paragraph 13).

As per claims 10 and 25, DeRafael teaches:

providing additional incentive-based links to one or more users to provide additional feedback (see DeRafael paragraph 13) but fails to teach enabling the one or more users o purchase one or more items advertise by the selected link. However, Kolls teaches that it is old and well known in the promotion art to have interactive advertisements that comprises a link to be selected by the user to establish a telephonic connection to conduct real time, person to person, live communication session between the user and an advertiser and while said user and said advertiser are speaking, allowing said user to purchase one or more items advertised by the advertiser (See Kolls col 47, lines 10-25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that DeRafael interactive ads would allow users to communicate with advertisers in real-time, person to person, live communication as taught by Kolls and where said users would be allowed to purchase advertised items during said real time, person to person, communication, as taught by Kolls by using the credit obtained from interacting with said advertisers, as taught by DeRafael in order to provide said users an incentive to communicate with said advertisers.

As per claims 11 and 26, DeRafael fails to teach:

wherein the compensating the user further comprises:

enabling the user to purchase an advertised product with limited availability, such that the user is compensated by having the ability to purchase the advertised product. However, Kolls teaches that it is old and well known in the promotion art to have interactive advertisements that comprises a link to be selected by the user to establish a telephonic connection to conduct real time, person to person, live communication session between the user and an advertiser and while said user and said advertiser are speaking, allowing said user to purchase one or more items advertised by the advertiser (See Kolls col 47, lines 10-25). Therefore, the same argument made in claim 10 with the respect to the "purchase limitation" is also made in claims 11 and 26.

As per claims 12 and 27, DeRafael fails to teach:

charging the user a predetermined amount such that the user is compensated by having the ability to purchase the advertised product and transferring the predetermined amount to the advertiser. However, Kolls teaches that it is old and well known in the promotion art to have interactive advertisements that comprises a link to be selected by the user to establish a telephonic connection to conduct real time, person to person, live communication session between the user and an advertiser and while said user and said advertiser are speaking, allowing said user to purchase one or more items advertised by the advertiser in said session (See Kolls col 47, lines 10-25). Therefore, the same argument made in claim 10 with the respect to the "purchase limitation" is also made in claims 12 and 27.

As per claims 35 and 38, DeRafael fails to teach:

A public switched telephone network interface coupled to the processor to connect the user to the advertiser where the connection comprises a voice communication link to connect the user to the advertiser. However, Kolls teaches that it is old and well known in the promotion art to have interactive advertisements that comprises a link to be selected by the user to establish a telephonic connection to conduct real time person to person live communication between the user and an advertiser. Therefore, the same argument made in claim 1 regarding the telephone connection is also made in claims 35 and 38.

As per claim 36, DeRafael fails to teach

a wireless communications network interface coupled to the processor to connect the user to the advertiser. However, Official Notice is taken that it is old and well known in the computer art to connect users to the Internet wirelessly. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that DeRafael would allow user to connect to the Internet wirelessly as it is old and well known to do so.

As per claim 39, DeRafael teaches:

a banner advertisement link module to generate an interactive advertisement link as a banner advertisement in a web page (see DeRafael paragraph 12).

As per claim 40, DeRafael teaches:

a banner advertisement link module to generate an interactive advertisement link as a banner advertisement in a web page returned from a search engine web site (see DeRafael paragraph 12).

As per claim 41, DeRafael teaches:

wherein the selection of the link comprises a selection of a link to an interactive poll and wherein a user selecting the poll is compensated for providing a response to the poll (see DeRafael figure 5).

As per claim 42, DeRafael teaches:

wherein the providing the list of advertisements comprises providing a web page including one or more interactive advertising links to receive the selection (see DeRafael figure 4).

As per claim 43, DeRafael fails to teach:

wherein the connection for real time communications between one or more users and the advertiser is separate from a communication link used in the providing of the web page. However, Kolls teaches that it is old and well known in the communication art to have real time communications between users and advertisers that is separate from a communication link used to provide a webpage (see Kolls col 46, lines 20-40). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that DeRafael would have a real time communications between users and advertisers that is separate from a communication link used to provide a webpage, as Kolls teaches that it is old and well known to do so.

As per claim 44, DeRafael fails to teach:

conferencing together a first telephone call to the user and a second telephone call to the advertiser. However, Kolls teaches that it is old and well known in the communication art to connects a user and advertiser by clicking an advertiser's ad (see Kolls col 46, lines 20-40). Therefore, the same argument made in claim 1 with respect to the real time, person to person, live communication limitation is also made in claim 44.

4.   Claims 9, 14, 24, 29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeRafael (US 2002/0116256) in view of Dedrick (US 5,724,521), Kolls (US 6,807,532), Friskel (US 6,839,737) and Graham (US 6,732,183).

As per claims 9, 24 and 37, DeRafael teaches:

providing additional incentive-based links to the one or more users to provide additional feedback (see DeRafael paragraphs 31 and 34) but fails to teach establishing a real-time video communications link between one or more users and an advertiser of the selected interactive advertisement and enabling one or more users to purchase one or more items advertised by the interactive seminar. However, Graham teaches that it is old and well known in the computer art to connect multiple users to online seminars via the Internet (see Graham col 14, lines 40-65). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that DeRafael, Dedrick, Kolls, and Friskel would use the system taught by Graham in order to give user access to online seminars and would allow said user to order products when connecting with said online sessions in order that advertisers would have an incentive to compensate users for communicating with said advertisers.

As per claims 14 and 29, DeRafael fails to teach:

response to receiving, from an advertiser interface, a request to activate an interactive seminar, advertised by one of the advertisements, activating the seminar, to allow one or more users to select and participate in the interactive seminar. However, Graham teaches that it is old and well known in the computer art to connect multiple users to online seminars via the Internet (see Graham col 14, lines 40-65). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that DeRafael, Dedrick, Kolls, and Friskel would use the system taught by Graham in order to give user access to online seminars as it is old and well known to do so, as taught by Graham. Graham does not expressly teach responsive to receiving, from the advertiser interface, a request to de-activate the interactive seminar, de-activating the interactive seminar to prevent additional users from participating in the interactive seminar. However, Official Notice is taken that it is old and well known in the advertiser art to let people know when a telemarketer's seminar is no longer available. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that , DeRafael, Dedrick, Kolls, Friskel and Graham would de-active a seminar session that is no longer available and would let users know that said seminar is already closed, so said users do not waste their time trying to access a seminar that no longer exists.

5.   Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeRafael (US 2002/0116256) in view of Dedrick (US 5,724,521), Kolls (US 6,807,532), Friskel (US 6,839,737) and Katz (US 6,323,894).

As per claim 45, DeRafael fails to teach wherein the establishing of the connection comprises joining the user with a current session of the advertiser communicating with more than one user who has selected the link. However, Katz teaches that the advent of video phones has enable users to visually communicate from remote locations where employees or customers in different places can take part in interactive training sessions or seminars with no loss of time for travel (see column 2, lines 5-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that DeRafael, Dedrick, Kolls, and Friskel would allow users to participate in interactive seminars, as taught by Katz in order to allow said users to be compensated for attending said seminars via the Internet.

6.   Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeRafael (US 2002/0116256) in view of Dedrick (US 5,724,521), Kolls (US 6,807,532), Friskel (US 6,839,737) and do Rosario Botelho (US 2002/0069105).

As per claims 7 and 22, DeRafael fails to teach:

wherein the list of advertisements is provided in response to a selection of one or more category of advertisers, an advertisement payment price, advertiser type and advertisement. However, do Rosario Botelho teaches that it is old and well known to display a list of advertisements in response to a selection of one or more category or type of advertisers (See figure 4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that DeRafael would display a list of advertisements in response to a selection of one or

more category or type of advertisers, as <u>do Rosario Botelho</u> teaches that it is old and well known to do so.

Response to Arguments

7.   Applicant's arguments filed 01/07/2008 have been fully considered but they are not persuasive. The Applicant argues that although <u>DeRafael</u> teaches that "the credit may be used electronically in a manner analogous to cash" <u>DeRafael</u> fails to teach, according to the Applicant, a system that allows the user to make a purchase during a session of real time, person to person, live communication, between the user and the advertiser over telephonic connection in response to the user selecting a link. The Examiner answers that <u>Kolls</u> teaches that it is old and well known in the promotion art to have interactive advertisements that comprises a link to be selected by the user to establish a telephonic connection to conduct real time, person to person, live communication between an user and an advertiser and allowing said user in said real time, person to person, live communication session with said advertiser, to purchase one or more items advertised by said advertiser (See <u>Kolls</u> col 47, lines 10-25). Therefore, contrary to Applicant's argument, said "purchase limitation" while a user and an advertiser are speaking in response to said user selecting a link it is old and well known, as taught by <u>Kolls</u>.

        The Applicant argues that the <u>Dedrick</u> reference does not disclose "compensating the user based on the rate and duration because according to the Applicant, <u>Dedrick</u> teaches away from paying the end user. The Examiner answers that <u>Dedrick</u> teaches that end users are credited for viewing ads, where said crediting is

based on a "pay per time" rate (see col 13, lines 50-60; col 14, lines 15-25). Therefore, contrary to Applicant's argument, Dedrick teaches Applicant's claimed invention.

The Applicant argues that DeRafael teaches away from real time, person to person, live communication because according to the Applicant, interacting with a remote computer is not a person to person communication over a telephonic connection and according to the Applicant, since DeRafael teaches to use a computer to automate the interaction with an end user, DeRafael teaches away from the invention as claimed. The Examiner answers that DeRafael purpose is to provide a more engaging interaction between users and advertisers where advertisers compensate users that provide information to said advertiser (see paragraph 36-37) and where said user and said advertisers are connected when said users click an interactive advertisement of said advertisers (see paragraph 31). Kolls teaches that it is old and well known in the promotion art to have interactive advertisements that allows users and advertisers to connect in real time, person to person, live communication when said users click said interactive advertisements. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the DeRafael's system would add the old and well known feature taught by Kolls of allowing advertisers to connect by telephone to users when said users click an interactive ads of said advertisers as said Kolls's feature would allow said advertisers to engage and talk with said users and better obtain all the information that said advertisers needs to better target their ads to said users. Said users would be more willing to answer said advertisers' questions as said users would be compensated for said interaction.

Therefore, contrary to Applicant's argument, DeRafael does not teach away from Applicant's claimed invention.

The Applicant argues that since DeRafael "ignore the substance of the advertisement" and merely accumulate the amount of time to receive credit, DeRafael according to the Applicant, teaches away from the feature of "compensating the user based on the rate and the duration". The Examiner answers that DeRafael teaches that advertisers may award more credits for viewing a lengthier interactive advertisement (see paragraph 36). Therefore, contrary to Applicant's argument, DeRafael does not teach away from Applicant's claimed invention, as DeRafael takes into consideration the duration of an interaction between a user and an advertiser in order to adjust the compensation to said user.

The Applicant argues that Kolls does not teach an interactive advertisement that allow users to communicate in real time. The Examiner answers that Kolls teaches in col 46, lines 20-50 interactive ads that allows users and advertisers to communicate in real time. Therefore, contrary to Applicant's argument, Kolls teaches Applicant's claimed limitation.

The Applicant argues that there is no basis in DeRafael and Kolls to reward users for the telecommunication call initiated to Kolls. The Examiner answers that allowing advertisers to connect by telephone to users when said users click an interactive ads of said advertisers as taught by Kolls would allow said advertisers to engage and talk with said users and better obtain all the information that said advertisers needs to better target their ads to said users, as said users would be more

willing to answers said advertisers' question as said users would be compensated for said interaction. Therefore, contrary to Applicant's argument, there is a basis in DeRafael to add the telephone interactive ads to his claimed invention.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.   Accordingly, **THIS ACTION IS MADE FINAL**.   See MPEP § 706.07(a).   Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Raquel Alvarez/
Primary Examiner, Art Unit 3688

/DANIEL LASTRA/
Art Unit 3688
March 22, 2008